

NASA Enhanced Use Leasing

Expanded Authority
for All Centers

Background – NASA Real Estate

- Under the Space Act NASA may:
 - Enter into public-private ventures (PPV) with public or private entities.
 - NASA can commit to collaborative endeavors in research and technology development
 - Including allowing private sector and governmental entities to use NASA land and facilities.
 - These PPV include Enhanced Use Lease (EUL) agreements.

What is Enhanced Use Leasing?

- Enhanced Use Leasing (EUL) authority allows federal agencies to enter into real estate agreements of underutilized real property including land, buildings and other structures.
- EUL allows the agency to retain and use the proceeds derived from the lease.

Initial NASA Enhanced Use Lease Authority

- Congress granted NASA limited EUL authority in the FY 2003 Consolidated Appropriations Resolution.
- NASA was allowed to retain proceeds (1) to cover the full costs to NASA in connection with the lease, and (2) for maintenance, capital revitalization, and improvements of the real property assets of the centers.
- NASA was authorized to conduct a demonstration program of EUL at two NASA Centers.
- NASA selected Ames Research Center and Kennedy Space Center.

Expanded NASA Agency-Wide Enhanced Use Lease Authority

- Section 533 of the FY2008 Appropriations Bill, expands EUL to all NASA Centers.
- Expanded authority begins December 31, 2008.
- The Center shall certify that the out-lease will not have a negative impact on NASA's mission.

Expanded NASA Agency-Wide Enhanced Use Lease Authority

- Under expanded authority: (* denotes change)
 - Consideration only as cash (No in-kind consideration).
 - Cash consideration may be used to cover the full costs to NASA in connection with the lease.
 - Cash not used to cover full costs placed in capital asset account.
 - Capital asset account may be used for maintenance, capital revitalization, and improvements to real property May be used on any real property at the Centers.
 - May not be used for maintenance or daily operations costs.

Development of EUL Leases

- EUL leases are to support the Center and its programs.
- Centers should discuss proposed EUL with HQ Facilities Engineering and Real Property Division (FERP).
- The Center is to ensure that each EUL lease complies with 14CFR1204.504

Hold on Lease Submittal to Headquarters

- Current Agency HOLD on new EUL until Summer 2009 as NASA prepares to take advantage of expanded EUL authority
- Ongoing Agency activities that may affect use of EULs
 - Review of NASA's existing facilities and financial policies for EULs and informed by
 - Agency Leasing Practices Report due to Congress in April 2009,
 - Agency Facilities Study commissioned by the Strategic Management Council,

Lease Submittal to Headquarters

- Information required for Headquarters and FERP approval includes:
- OPII SAA Abstract submission
- Narrative (per NPR 8800.15)
 - Summary
 - Security analysis
 - Environmental Analysis
 - Certification that out-lease will not have a negative impact on NASA's mission.
- Final Draft of Lease (unsigned)
- Business case

Space Act Agreement Maker (SAAM)

- Centers to submit EULs for approval using the SAAM e-Router
- FERP under 6-Sigma will investigate expanded use of SAAM for development of EUL and other out-grants of NASA real property.
 - A “SAAM-EUL”

NASA Annual EUL Report to Congress

- NASA submits an annual report to Congress each year on the status and activities of NASA's EUL program.
- The annual report will use information taken from the agency's financial management system including:
 - List of Active Leases,
 - Cash consideration received in preceding year,
 - Value of In-kind consideration (grandfathered from initial authority)
 - Expenditures to cover the full costs to NASA
 - Expenditures from capital account.